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**NOTICE OF ALLOWANCE
AND ISSUE FEE DUE**

 SPRUNG, HORN, KRAMER & WOODS
600 THIRD AVE.
NEW YORK, N.Y. 10016

All communications regarding this application should give the serial number, date of filing, name of applicant, and batch number.

Please direct all communications to the Attention of "OFFICE OF PUBLICATIONS" unless advised to the contrary.

The application identified below has been examined and found allowable
for issuance of Letters Patent. PROSECUTION ON THE MERITS IS CLOSED.

	SC/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT		DATE MAILED
First Named Applicant	05/936,280	08/23/78	032	SCHWARTZ, R	121	06/03/86
	JUNGE, V		BODO			

TITLE OF INVENTION ANTIDIABETIC 3,4,5-TRIHYDROXYPIPERIDINES (AS AMENDED)

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
	BAYER 35	514-024,000	Q1.0	UTILITY	NO	\$560.00	09/03/86

The amount of the issue fee is specified by 37 C.F.R. 1.18 as follows: for an original or reissue patent, except for a design or plant patent, \$500; for a design patent, \$175; and for a plant patent, \$250. If the applicant qualifies for and has filed a verified statement of small entity status in accordance with 37 C.F.R. 1.27, the issue fee is one-half the respective amount aforementioned. The issue fee due printed above reflects applicant's status as of the time of mailing this notice. A verified statement of small entity status may be filed prior to or with payment of the issue fee. However, in accordance with 37 C.F.R. 1.28, failure to establish status as a small entity prior to or with payment of the issue fee precludes payment of the issue fee in the amount so established for small entities and precludes a refund of any portion thereof paid prior to establishing status as a small entity.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE as indicated above. The application shall otherwise be regarded as ABANDONED. The issue fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office. Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of the notice of allowance, the issue fee is charged to the deposit account at the time of mailing of this notice in accordance with 37 C.F.R. 1.311. If the issue fee has been so charged, it is indicated above.

In order to minimize delays in the issuance of a patent based on this application, this Notice may have been mailed prior to completion of final processing. The nature and/or extent of the remaining revision or processing requirements may cause slight delays of the patent. In addition, if prosecution is to be reopened, this Notice of Allowance will be vacated and the appropriate Office action will follow in due course. If the issue fee has already been paid and prosecution is reopened, the applicant may request a refund or request that the fee be credited to a Deposit Account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a Deposit Account.

In the case of each patent issuing without an assignment, the complete post office address of the inventor(s) will be printed in the patent heading and in the Official Gazette. If the inventor's address is now different from the address which appears in the application, please fill in the information in the spaces provided on PTOL-85b enclosed. If there are address changes for more than two inventors, enter the additional addresses on the reverse side of the PTOL-85b.

The appropriate spaces in the ASSIGNMENT DATA section of PTOL-85b must be completed in all cases. If it is desired to have the patent issued to an assignee, an assignment must have been previously submitted to the Patent and Trademark Office or must be submitted not later than the date of payment of the issue fee as required by 37 C.F.R. 1.334. Where there is an assignment, the assignee's name and address must be provided on the PTOL-85b to ensure its inclusion in the printed patent.

Advance orders for 10 or more printed copies of the prospective patent can be made by completing the information in Section 4 of PTOL-85b and submitting payment therewith. If use of a Deposit Account is being authorized for payment, PTOL-85c should also be forwarded. The order must be for at least 10 copies and must accompany the issue fee. The copies ordered will be sent only to the address specified in section 1 or 1A of PTOL-85b.

Note attached communication from Examiner.

IMPORTANT REMINDER

Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. See 37 CFR 1.20 (e)-(j).



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

EXAMINER	
ART UNIT	PAPER NUMBER
DATE MAILED:	

36

3-25-86

NOTICE OF ALLOWABILITY

PART I.

1. This communication is responsive to amendment filed 3-17-86
2. All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. The allowed claims are 5-11, 14, 16, 18, 24-32, 34-38 & 46-53
4. The drawings filed on _____ are acceptable.
5. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [] been received. [] not been received. [] been filed in parent application Serial No. _____, filed on _____.
6. Note the attached Examiner's Amendment.
7. Note the attached Examiner Interview Summary Record, PTOL-413.
8. Note the attached Examiner's Statement of Reasons for Allowance.
9. Note the attached NOTICE OF REFERENCES CITED, PTO-892.
10. Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - a. Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 - b. The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - c. Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - d. Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTOL- 413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

05/936,280

2

Art Unit 121

EXAMINER'S AMENDMENT

Pursuant to a telephone interview between Mr. Rzucidlo and Ex. Schwartz on March 25, 1985, this application has been amended as follows:

Claims 33 and 39-44 have been cancelled.

In claim 47, line 7, after "phenyl", -- (b) -- has been inserted: lines 17-23 and lines 47-54 have been deleted; at line 41, "(b)" has been deleted; at line 55, "phenylethylcarbonyl;" has been deleted; 5 lines from the bottom, " $R_1^1CONH-CH_2$ " has been changed to -- $R'CONH-CH_2$ -- ; in line 44, before "hetero-", -- aromatic -- has been inserted.

In claim 49, line 27, before "heterocyclic", -- aromatic -- has been inserted.

In claim 52, line 1, " C_{10} " has been changed to -- C_4 --.

In claim 18, lines 3-6, "I - claim" have been deleted and replaced by -- . --

In claim 46, line 1, "N-n(5'-hydroxypentyl)" has been changed to -- N-(5'-hydroxy-n-pentyl) --.

In claim 47, penultimate line, "any of" has been deleted; last line has been deleted and replaced by:

D/

C_1-C_{30} alkyl, C_2-C_{18} alkenyl, C_2-C_{18} alkinyl, C_3-C_8 cycloalkyl, C_3-C_8 cycloalkenyl, C_3-C_8 -cycloalkinyl or phenyl (a).
said alkyl, cycloalkyl, cycloalkenyl and cycloalkinyl being unsubstituted or substituted by hydroxy, C_1-C_4 -alkoxy, acyloxy, amino, mono- C_1-C_4 alkylamino, di- C_1-C_4 alkylamino, acylamino, mercapto, C_1-C_4 alkylthio, halogen, C_1-C_4 alkylcarbonyl, carboxyl, nitro, cyano, formyl, sulfo, a heterocyclic radical derived from a hexose or pentose, attached to the alkyl moiety directly via a ring atom or via an -O-, -S- or -NH-bridge, naphthyl or phenyl (b) said acyl being derived from an aliphatic carboxylic acid having from 1 to 7 C-atoms,

05/936,280

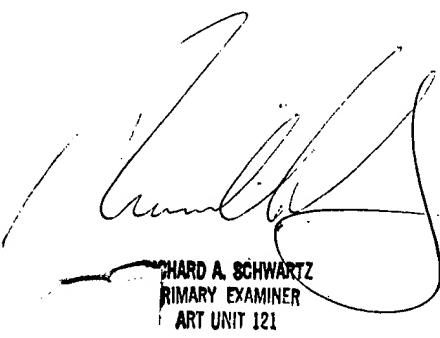
3

Art Unit 121

a phenyl carboxylic acid, unsubstituted or substituted by carboxy, hydroxy, halogen, C₁ to C₄ alkyl, C₁ to C₄ alkoxy, nitro or amino, or a 5- or 6-membered aromatic heterocyclic carboxylic acid containing from 1 to 3 hetero-atoms each of which is N, O or S, unsubstituted or substituted by C₁ to C₄ alkyl, chlorine, bromine or amino; said phenyl (a) being unsubstituted or substituted by C₁ to C₁₀ alkyl, C₁ to C₁₀ chloroalkyl, C₁ to C₁₀ nitroalkyl, C₁ to C₁₀ cyanoalkyl, C₁ to C₁₀ alkenyl, hydroxyl, C₁ to C₄ alkoxy, amino, mono-C₁ to C₄ alkylamino, di-C₁-C₄ alkylamino, mercapto, C₁-C₄ alkylthio, carboxyl, C₁-C₄-carbalkoxy, sulfo, C₁-C₄ alkylsulfonyl, phenylsulfonyl, aminosulfonyl, C₁-C₄ alkylaminosulfonyl, di-C₁-C₄ alkylaminosulfonyl, nitro, cyano, formyl, C₁-C₄ alkylcarbonylamino, C₁-C₄ alkylcarbonyl, benzoyl, benzylcarbonyl or phenylethylcarbonyl; said naphthyl and phenyl (b) being unsubstituted or substituted by hydroxyl, amino, C₁-C₄ alkylamino, di-C₁-C₄ alkylamino, C₁-C₄ alkoxy, nitro, cyano, carboxy, C₁-C₄ alkoxycarbonyl, C₁-C₆ alkyl, halogen, C₁-C₄ alkylthio, mercapto, C₁-C₄ alkylsulfonyl, sulfo, aminosulfonyl or C₁-C₄ alkylaminosulfonyl.

// cont'd

Schwartz
A/C 703
557-3920
3-25-96


RICHARD A. SCHWARTZ
PRIMARY EXAMINER
ART UNIT 121